

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to rescind Chapter 32, “High School Equivalency Diploma,” Iowa Administrative Code, and to adopt a new Chapter 32 with the same title.

Iowa Code chapter 259A, high school equivalency diplomas, was substantially amended by 2017 Iowa Acts, House File 473. House File 473 grants the Department of Education authority to establish frameworks for additional pathways for completion of a high school equivalency diploma. The proposed new Chapter 32 outlines these pathways. The traditional test-based high school equivalency diploma is maintained in rule 281—32.7(259A). Rules 281—32.8(259A), 281—32.9(259A), and 281—32.10(259A) establish new pathways based on the accumulation of postsecondary credit and completion of postsecondary credentials equal to or beyond an associate degree from regionally accredited or internationally recognized postsecondary institutions. This proposed amendment reflects the statutory changes.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before October 31, 2017, at 4:30 p.m. Comments on the proposed amendment should be directed to Phil Wise, Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail [phil.wise@iowa.gov](mailto:phil.wise@iowa.gov); or fax (515)242-5988.

A public hearing will be held on October 31, 2017, from 10 to 11 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 259A as amended by 2017 Iowa Acts, House File 473.

The following amendment is proposed.

Rescind 281—Chapter 32 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 32

#### HIGH SCHOOL EQUIVALENCY DIPLOMA

**281—32.1(259A) Purpose.** The department may issue a high school equivalency diploma to a person who presents satisfactory evidence of having completed an approved high school course of study aligned with standards established by the state board of education by which high school graduation equivalency may be determined. The purpose of the high school equivalency diploma is to provide a credential to adults who have not graduated from high school and are unable to receive a high school diploma through traditional means but who are able to demonstrate attainment of knowledge, skills, and abilities that are equivalent to those that would be attained in a high school program of study.

This chapter is intended to implement the provisions of Iowa Code chapter 259A as amended by 2017 Iowa Acts, House File 473.

**281—32.2(259A) Definitions.** As used in this chapter:

*“Adult education and literacy program”* means the same as defined in rule 281—23.1(260C).

*“Approved program”* means any defined option established under this chapter for the completion of a high school equivalency diploma that has been approved by the department.

*“Approved test”* means the entire battery of subtests given under a high school equivalency test adopted by the department and administered at department-approved testing sites.

*“Contact hour”* means the same as defined in 281—subrule 21.2(12).

*“Continuous enrollment”* means a participant has not exited from the approved program as defined in the federal Workforce Innovation and Opportunity Act (WIOA 34 CFR 361.150(c)) or subsequent federal workforce training and adult education legislation.

*“Demonstrated competence”* means the ability to apply the knowledge and skills required to perform critical functions specific to a program of study. Competencies that measure the attainment of the knowledge, skills, and abilities equivalent to a high school program of study shall be aligned with content standards for adult education as referenced in 281—paragraph 23.7(1) “c” and twenty-first century learning skills.

*“Department”* means the Iowa department of education.

*“Eligible institution”* means an entity as defined in 281—subrule 23.3(1).

*“High school credit”* means credit awarded for the successful completion of a secondary course or demonstrated competence equivalent to one-half Carnegie unit as defined in 281—subrule 12.5(14).

*“High school equivalency diploma”* means the credential granted by the department to adults who did not graduate from high school and are unable to receive a high school diploma through traditional means but who are able to demonstrate attainment of the knowledge, skills, and abilities that are equivalent to those that would be attained in a high school program of study.

*“Resident”* means an individual who satisfies the requirements of 281—subrule 21.2(11).

*“Twenty-first century learning skills”* means the same as defined in 281—subrule 12.5(17).

*“Work-site learning”* means a planned and supervised work experience, equivalent to the training services defined in the federal Workforce Innovation and Opportunity Act, Section 134(c)(3)(D), or subsequent federal workforce training and adult education legislation, that is in compliance with workplace laws and regulations, including the minimum wage requirements prescribed by Iowa law or the federal Fair Labor Standards Act, if applicable.

**281—32.3(259A) Eligibility to participate.**

**32.3(1)** Minimum age. No one under 16 years and 9 months of age is allowed to participate in an approved program, with the exception of a person who is at least 16 years of age and satisfies one or more of the following conditions:

- a. Is a resident of an Iowa juvenile institution;
- b. Is an active participant in Job Corps; or
- c. Is under the supervision of a probation office.

**32.3(2)** Anyone 16 years and 9 months of age or older who is not enrolled in a secondary school nor is a high school graduate is permitted to apply for enrollment in an approved program. The requirements for admission into an approved program are:

- a. Proof of age and, for an applicant under 18 years of age, consent of the applicant’s parent or guardian.
- b. For an applicant under 19 years of age, verification of nonenrolled status from the last high school attended.
- c. Completion of a comprehensive intake by an eligible institution. For purposes of this chapter, the intake must include all of the following:
  - (1) Assessment of the applicant’s reading level and career interests and aptitudes.
  - (2) Discussion of program options available to the applicant regarding completion of a high school equivalency diploma, to include the requirements, expectations, benefits, and limitations of each option.
  - (3) Development of a plan for the completion of one of the options discussed and subsequent activities necessary to work toward an identified goal, career pathway, occupation, or further education.

**32.3(3)** An eligible participant who successfully completes an approved program will not be awarded a high school equivalency diploma until the participant reaches 18 years of age and the participant's ninth grade class has graduated from high school.

**281—32.4(259A) By whom administered.** An approved program shall be administered by an eligible institution. An eligible institution may provide one or more approved programs. The department shall maintain a process by which an eligible institution may submit an application to offer an approved program.

**281—32.5(259A) Diploma, transcript, verification fees.** Upon payment to the department or its designee of a fee for the actual cost of production and distribution of a high school equivalency diploma, transcript, or verification letter not to exceed \$10 per document, the department shall issue a high school equivalency diploma, transcript, or verification letter to an applicant who has achieved the minimum standards established in this chapter. Upon payment to the department or its designee of a fee for the actual cost of verification and issuance of a duplicate diploma, transcript, and verification letter not to exceed \$15, the department or its designee shall issue a duplicate diploma, transcript, or provide verification to the applicant or person authorized by the applicant to request these documents. Approved providers must track and submit to the department evidence of the applicant's completion of the program requirements for the issuance of a high school equivalency diploma.

**281—32.6(259A) Application, course, and testing fees.** The applicant or the applicant's supporting agency shall pay an application, course, or testing fee to cover only necessary and reasonable testing or program costs. Fees paid directly to an approved program are considered program income and shall adhere to the federal Office for Management and Budget Uniform Guidance cost principles, as codified in 2 CFR Section 200.80.

**281—32.7(259A) High school equivalency diploma program based on a department-approved test.** The department shall award a high school equivalency diploma to an applicant who achieves the appropriate minimum standard scores on an approved test.

**32.7(1) *Validity of test scores.*** Scores on an approved test shall remain valid for a period of five years from the date of the first subtest taken. If an applicant has not earned a high school equivalency diploma within this five-year period, the applicant must retake any expired subtest. The only exception is for test series that expire prior to the five-year period, in which case all previously taken subtests are void and must be retaken.

**32.7(2) *Retest.*** Any applicant not achieving the minimum standard test score on any subtest in effect at the time of testing shall be permitted to apply for retest. Applicants may retest twice per calendar year, provided one of the following conditions is met:

- a.* A period of three months from the date of initial testing has elapsed; or
- b.* The applicant completes instruction in an adult education and literacy program in each subject area to be retested. This instruction shall be certified by an official of the adult education and literacy program provider to the test administrator authorized to release the retest.

**281—32.8(259A) High school equivalency diploma program based on attainment of high school credits.** The department shall award a high school equivalency diploma to an applicant who demonstrates completion of an approved program consisting of at least 36 high school credits. The approved program shall be inclusive of the graduation requirements established under 281—subrule 12.5(5) and consist of at least eight high school credits in English or communications; six credits in mathematics; six credits in science; six credits in social studies, including government; and ten elective credits that meet the requirements of subrule 32.8(4).

**32.8(1) *Award of prior credit.*** The applicant shall provide certified, translated transcripts from any Iowa school district, accredited public or nonpublic high school, or regionally accredited college or university to document completion of credits earned that are equivalent to those required in an approved

program established under this rule. Additional documentation may be requested to validate credits earned.

**32.8(2) *Minimum participation requirement.*** An eligible applicant must demonstrate competence through continuous enrollment in an approved program for a minimum of two high school credits.

**32.8(3) *Minimum graduation requirements.*** If the applicant is not continuously enrolled in an approved program, the applicant will become subject to the minimum graduation requirements applicable to the date of reenrollment.

**32.8(4) *Electives.***

*a.* Coursework for electives shall align with twenty-first century learning skills and be classified in one of the following five areas:

- (1) Civic literacy;
- (2) Health literacy;
- (3) Technology literacy;
- (4) Financial literacy;
- (5) Employability skills.

*b.* Work-site learning may be counted toward an elective, under the following conditions:

(1) Evidence of prior work-site learning shall be evaluated using a state-developed assessment tool and may be awarded a maximum of two high school credits. Credit earned for prior work-site learning shall not be counted toward the minimum participation requirement, as defined in subrule 32.8(2).

(2) Current work-site learning shall be evaluated using a state-developed assessment tool and may be awarded a maximum of two high school credits. Credit earned for current work-site learning may be counted toward the minimum participation requirement, as described in subrule 32.8(2).

**32.8(5) *Postsecondary credit.*** Credit awarded by a regionally accredited postsecondary institution for the successful completion of a course that applies toward the requirements of a postsecondary credential, including but not limited to a certificate, diploma, or associate, bachelor, or graduate-level degree program, shall be accepted to fulfill the requirements for the satisfactory completion of a program as follows:

*a.* One postsecondary semester credit or its equivalent shall be equal to one-third high school credit. The resulting high school credit can be used to satisfy either a core or elective credit requirement of an approved program.

*b.* Twenty contact hours of noncredit postsecondary coursework shall be equal to one-third high school credit provided the coursework is aligned to regional career pathways and occupational needs. This credit can be used to satisfy an elective credit requirement of an approved program.

**281—32.9(259A) High school equivalency diploma program based on postsecondary degree.** The department shall award a high school equivalency diploma to a resident applicant who presents an associate degree or higher that includes general education coursework and is awarded by a regionally accredited postsecondary institution. The applicant must provide official transcripts to an adult education and literacy program to document completion of program requirements.

**281—32.10(259A) High school equivalency diploma program based on foreign postsecondary degree.** The department shall award a high school equivalency diploma to a resident applicant who presents a postsecondary degree equivalent to an associate degree or higher, provided that the following conditions are met:

**32.10(1)** The applicant presents to an adult education and literacy program an official transcript from an institution of higher education attesting to the completion of the program of study required for the postsecondary degree. If the transcript is not in English, the applicant shall also provide a certified translation.

**32.10(2)** The applicant shall be a United States citizen or shall meet both of the following requirements:

*a.* Demonstrates proficiency in speaking, listening, reading, and writing as defined by the department's approved English language proficiency standards; and

*b.* Has successfully completed a course in government or civics education as a component of an approved program.

These rules are intended to implement Iowa Code chapter 259A as amended by 2017 Iowa Acts, House File 473.